

LINCOLN PLANNING BOARD

JANUARY 28, 2009

APPROVED

The regular meeting of the Planning Board was held on Wednesday, January 28, 2009, at the Lincoln Town Hall, 100 Old River Road, Lincoln, Rhode Island.

Vice Chairman Olean called the meeting to order at 7:00 p.m. The following members were present: Gerald Olean, Michael Reilly, Timothy Griffin, Kenneth Bostic and Wilfred Ordonez. Member Greg Mercurio, Jr. arrived late but before elections commenced. Also in attendance were Town Planner Albert Ranaldi, Town Engineer N. Kim Wiegand and Joelle C. Sylvia for the Town Solicitor. Russell Hervieux kept the minutes.

The following member was absent from this meeting: John Hunt.

Vice Chairman Olean advised that six members were present; have quorum.

PLANNING BOARD ELECTIONS

Vice Chairman Olean turned the meeting over to Secretary Reilly to call the nominations for chairman. Secretary Reilly opened the floor for nominations for the position of Planning Board Chairman.

Member Bostic nominated Gerald Olean for chairman. Member Griffin seconded the nomination. There were no other nominations. A roll call vote was taken and all members present approved Gerald Olean as Planning Board Chairman. Town Planner Albert Ranaldi presented Chairman Olean with a gavel for his new position.

Chairman Olean now called for nominations of Vice Chairman of the Planning Board. Member Reilly nominated Kenneth Bostic for vice chairman. Member Mercurio seconded the nomination. There were no other nominations. A roll call vote was taken and all members present approved Kenneth Bostic as Planning Board Vice Chairman.

Chairman Olean now called for nominations for Secretary of the Planning Board. Member Bostic nominated Michael Reilly for secretary. Member Mercurio seconded the nomination. There were no other nominations. A roll call vote was taken and all members present approved Michael Reilly as Planning Board Secretary.

CONSENT AGENDA

Vice Chairman Olean reminded members that consent agenda has seven zoning applications, two final approvals, and three recordable decisions and staff reports. A consent agenda is normally voted on in total unless a member motions to remove an item.

Motion made by member Mercurio to move zoning application Fabar

Salazar from 1 Preakness Drive out of the consent agenda and be discussed at a later part of the meeting was seconded by member Reilly. Motion was approved by all members present.

Motion was made by member Griffin to accept the consent agenda as amended was seconded by member Bostic. Motion was approved by all members present.

MAJOR LAND DEVELOPMENT REVIEW

**a Marriott Residence Inn AP 31 Lot 12 Preliminary Plan
MHI II, LLC 640 George Washington Hwy Discussion/Approval**

Mr. Ranaldi stated that this application is for a four story 99,740 square foot extended stay hotel. The Board has previously seen this application at several meetings and everything has been reviewed. The one last element that was required was a meeting before the Area of Planning Concern. The application came forward with a landscape design plan and a lighting plan. The APC met and recommends a positive recommendation with conditions which have been incorporated with the conditions of preliminary plan approval from the TRC. One thing the APC did point out was that this property was to have no pylon signs. A monument sign and/or building signage would be acceptable. The TRC recommends preliminary plan approval with conditions. There are eight conditions of preliminary approval which are listed in the TRC report to the Board.

John Shekarchi, attorney for the applicant, briefly spoke to the Board.

Mr. Shekarchi stated that the applicant has concurred with the TRC recommendations and conditions. Mr. Shekarchi wanted to note for the record that though the applicant agrees to one monument sign for the property, the building will also have a sign affixed to it. The project engineer is here this evening to testify on the status of this project if the Board feels it is necessary. Chairman Olean had a question about condition #2, striping on Blackstone Valley Place and Route 116. Chairman Olean requested if this striping has been approved by the State or still has to be brought before the State. Mr. Shekarchi referred the question to the project engineer Scott Lindgren. Mr. Lindgren stated that the applicant has met with the State but has not gotten full approvals because more surveying is required and the weather has not cooperated. Mr. Lindgren further stated that the State appears to be very comfortable with the plan but needs some additional information. Mr. Shekarchi wanted to add two pieces of information for the record. Mr. Shekarchi believes that this approval qualifies under the new State statute which makes this approval good for two years. Mr. Shekarchi also requested that the Final Approval be delegated to the Administrative Officer.

Motion made by member Mercurio to accept the TRC recommendations of Preliminary Plan approval with 8 conditions was seconded by member Ordenez. The motion was approved by all members present.

Motion made by member Mercurio to delegate Final Approval authority to the Administrative Officer was seconded by member Griffin. Member Reilly stated he did not want to slow the process but a project of this magnitude should be looked at by the Board members before Final Approval is granted. Attorney Shekarchi understood the Board's feelings and would be comfortable coming back to the Board for Final Approval. Chairman Olean concurred with Member Reilly's thoughts and suggested the Board would work with the applicant to eliminate any time delays. Based on the discussions taken place member Mercurio respectfully withdrew his motion.

MAJOR SUBDIVISION REVIEW

- a. Lincoln Meadows II AP 45 Lots 2, 181 & 353 Preliminary Plan
Angellin, LLC Angell Road Extension**

Mr. Ranaldi stated that this application is in front of the Board for a Preliminary Plan Extension. This application represents three lots being subdivided into twenty-one conventional single family lots. The applicant received preliminary plan approval on February 22, 2006. The applicant was granted a one year extension in January 2007. A second one year extension was granted on December 19, 2007. That would bring the approval up to February 22, 2009. The applicant has been timely with their requests for extensions. The applicant is describing the downturn in the economy as their good

cause for an extension. The applicant requested a two year extension; however the TRC and the Town Solicitor agreed that this application does not qualify for the new State statute. Therefore, only a one year preliminary plan extension could be granted. In addition the Town Engineer noted that the Planning Board set a bond amount of \$38,000.00 and the Town has only collected \$20,000.00 of that. Based on these facts the TRC recommends a one year preliminary plan extension with the condition that the balance of the bond, \$18,000.00, be paid.

John Shekarchi, attorney for the applicant made a brief presentation to the Board. Mr. Shekarchi stated that the applicant understands they are not qualified for the two year extension and will request one year. The applicant is requesting to have an option of paying the \$18,000.00 in cash or supply an adequate bond for this amount. Town Engineer N. Kim Wiegand stated that a surety bond for the full amount would be acceptable in lieu of cash. Chairman Olean wanted to make it clear that the applicant would supply \$18,000.00 cash or a surety bond for the full amount of the bond to cover this condition of approval. Mr. Shekarchi stated it was correct that the applicant would have to pay \$18,000.00 in cash or supply a surety bond for \$38,000.00 for this approval to be granted. Member Mercurio questioned as to the current condition of this project and its' affect on the abutters. Ms. Wiegand stated that the site has not been inspected in some time but has not received any complaints. Mr. Shekarchi also stated that the applicant has received no complaints from the abutters.

Motion was made by member Bostic to accept the TRC recommendations for Preliminary Plan Extension with the condition that the outstanding bond amount be received by the Town was seconded by member Reilly. Member Bostic amended his motion to include that the receipt of the bond must be done by February 22, 2009 was seconded by member Reilly. The amendment to the motion was approved by all members present. The amended motion for Preliminary Plan Extension was approved by all members present.

**b. Winterberry Estates Subdivision AP 45 Lot 335 Bond Release
George E. & Charlotte Tootall Winterberry Road**

Mr. Ranaldi stated that this subdivision is complete and has been inspected by the Town Engineer. The applicant is requesting that their bond be released and the road to be accepted by the Town. The TRC recommends approval of this bond release.

Motion made by member Griffin to accept the TRC recommendations to release the bond and accept the road was seconded by member Mercurio. Motion was approved by all members present.

**c. Stone Way Subdivision AP 23 Lot 91 Master Plan
Crescent Properties, Inc. Dexter Rock Road Discussion/Approval**

Mr. Ranaldi stated that this application represents a subdivision of

one lot into four lots with a short street created with a cul-de-sac. Attorney John Shekarchi has been retained by the applicant. He did not have enough time to prepare his case to move forward. Mr. Shekarchi has submitted a letter extending the statutory period for the Board's review by 120 days. Mr. Shekarchi respectfully requested to be placed on the February 25, 2009 agenda. Chairman Olean wanted a clarification as to what date the 120 days goes until. Mr. Ranaldi responded that the Board would have until May 28, 2009 to make a decision.

COMPREHENSIVE PERMIT

a. The Residences at Stone Creek AP 20 Lot 15 Preliminary Plan
Break Hill Development, Inc. Breakneck Hill
Rd. Discussion/Approval

Mr. Ranaldi stated that this is a comprehensive permit of 70 residential condominium units, 18 of which will be designated as affordable units. The applicant is proposing 26 duplex units and 6 triplex units. All will have associated driveways and underground utilities. They have also incorporated visitor parking spots discussed at the master plan stage. There are sidewalks included in this latest plan. The Board was concerned about architectural consistency between the affordable and market rate units at the master plan stage.

Though there is no definition of consistency of units in the law, the TRC reviewed the architectural plans and felt there was a consistency

between units. The TRC feels that the applicant has met the burden of making the affordable units consistent with the market rate units. The applicant has submitted plans for the West Butterfly pump station upgrades that the Town requested. The Town Sewer Supervisor and Town Engineer reviewed this plan and find it acceptable. The TRC recommends that any concerns brought up at this meeting are minor in nature so this application should be moved to a Public Hearing in February.

John DiBona, attorney for the applicant made a presentation to the Board. Mr. DiBona stated that this Board gave master plan approval to this project in September 2008 with conditions. The applicant has already met some of these conditions. Some of the conditions are legal issues such as legal documents for the easements which are in the works and will be ready before final plan approval. The wetlands permit and sewer flows have been submitted to the appropriate agencies. A physical alteration permit has been applied for. A submission to Lincoln Water Commission has been completed. Mr. DiBona believes that most of the conditions have been met and the conditions required for preliminary plan have been completed. The applicant will complete any upgrades required for approval of this project. The applicant is requesting that this application be moved to a Public Hearing next month.

Chairman Olean wanted to read the following portion of the TRC report for the record: "The final construction plans will require

additional details and coordination. A generator will be required. The existing pump station at Butterfly Estates must be upgraded prior to any construction at the site.” Chairman Olean asked the applicant if they are fully aware of those conditions. Attorney DiBona stated his client understands and accepts these conditions. Member Mercurio expressed concerns that the pump station upgrades be done before the project could be sold to a third party if that were to happen. Ms. Sylvia stated that the Town is protected with the above condition. Any developer who would like to go forward with this project would have to meet that condition.

Brian P. Thallman, engineer for the applicant made a brief presentation to the Board. Mr. Thallman stated that he has reviewed the TRC comments and take no exception to them. There was a concern by the Town about the two 24” culverts for drainage under Breakneck Hill Road. An analysis has shown that under post development conditions the flow to those culverts is actually reduced. Member Mercurio inquired if Mr. Thallman had an itemization of the easements that will be required for this project. Mr. Thallman replied that he and Mr. DiBona discussed this issue and will be working with the Town Solicitor to create and finalize these documents. The easements required will be for drainage, water and sewer lines. Mr. Thallman also stated that he will be meeting with the fire department to get their approval on the final design.

Motion was made by member Bostic to accept the TRC

recommendations to move this application to a Public Hearing in February was seconded by member Griffin. Motion was approved by all members present.

ZONING APPLICATIONS

Fabar & Julia Salazar, 1 Preakness Drive, Lincoln, RI – Application for Dimensional Variance seeking rear yard and height relief for the construction of a cabana/pool house.

AP 26, Lot 185 Zoned: RA-40

Member Mercurio asked for this application to be removed from the consent agenda for discussion purposes. This application mirrors another application recently on a different lot. Member Mercurio explained that he attended that Zoning Board hearing. Member Mercurio stated he observed a long conversation at this zoning hearing that the Town had visited the site before stopping that particular project. Member Mercurio felt, in that case, there was shared liability between the Town and the property owner. Member Reilly stated that this application is different. This application represents an owner who built a building against zoning regulations and was told to stop. Member Reilly agrees with the TRC recommendation of denial of this application. Chairman Olean explained that he attended the TRC meeting and learned that this applicant had been told several times by the Town to stop.

Motion was made by member Mercurio to accept the TRC recommendation of a denial recommendation of this application was seconded by member Reilly. Motion was approved by all members present.

SECRETARY'S REPORT

The Board was given one set of minutes to review. They are for December 17, 2008. The Town Planner Al Ranaldi stated that he has reviewed these minutes.

Motion made by member Reilly to dispense with the reading of the December 17, 2008 minutes was seconded by member Griffin. Motion was approved by all members present.

Motion made by member Reilly to accept the minutes of December 17, 2008 as presented was seconded by member Griffin. Member Reilly expressed a concern about the motions that made changes to the agenda. Member Reilly felt that these motions should somehow be highlighted or separated so it does not appear to be part of the last application text. The recording secretary agreed to make a formatting change to accommodate this request. Motion was approved by all members present.

Motion was made by member Mercurio to adjourn which was

seconded by member Griffin at 7:54 pm. Motion was approved by all members present.

Respectfully submitted,

Russell Hervieux